

1 A Well, within the first year of operation.

2 Q Can you be more specific? Between October
3 and, say, June -- October of '88 to June of '88? April
4 of '89?

5 A I would say June of '89.

6 Q Okay. So that -- do you recall how many
7 batches these complaints came in?

8 A How many different batches?

9 Q Uh-huh.

10 A No, I don't remember. I really don't.

11 Q Was it more than two?

12 A Oh, yes.

13 Q Was it more than five?

14 A Probably was. It probably was. We were
15 getting them pretty regularly.

16 Q Okay. And at that time you had how many
17 full-time people working for you?

18 A There was three. There was three full-time
19 people.

20 Q Okay. And those three full-time people were
21 who?

22 A That was myself, and there was the general
23 manager, the manager, and one deejay worked full time.

24 Q Okay. You have already described your
25 duties. Oh, and Mr. Stewart's duties at this time?

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1 A He did not have anything to do with the
2 complaints.

3 Q What did he do at the station?

4 A What did he do at the station? He deejayed
5 of the morning for about three hours. And then he goes
6 to the post office and brings in the mail and things of
7 this nature.

8 Q Okay. Is it fair to say, Mrs. Stewart, from
9 October or November -- let's say November of 1988 --
10 that the brunt of responding, all of the work of
11 responding to these complaints were on you? Is that
12 fair to say?

13 A Yes.

14 Q Can you give us -- and that would involve
15 reviewing the complaints, calling people on the
16 telephone, scheduling appointments, attempting to make
17 appointments, so on and so forth? Is that correct?

18 A Yes.

19 Q Now I believe you testified earlier that the
20 complaints came in the form of copies of copies of
21 copies. Is that correct?

22 A That is correct.

23 Q Did the form the complaints came in cause you
24 any difficulty in responding to the complaints?

25 A Yes.

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1 Q In what way? Can you tell us?

2 A Some of them, the names were not able to make
3 out. Some of them, the addresses we were not able to
4 make out. Many, many, many did not have any telephone
5 number, and so therefore it made contacting these
6 people a very long and hard process.

7 Q Okay. For example, if you came to a
8 complaint that was difficult to read, how did you
9 respond to that? How did you deal with that?

10 A If the address was where I could make out the
11 address, I just sent it to the address.

12 Q Excuse me. You just sent what to the
13 address?

14 A I sent, I would send a letter because I had
15 no phone number, because I had no name to look up a
16 phone number. So I would send a letter to them, a form
17 letter, stating that we was trying to make contact with
18 them and asked them if they would call or would write.

19 Q Okay. For those who had a phone number, you
20 attempted to reach them first by phone, I presume?

21 A Yes.

22 Q On the average, Mrs. Stewart, were you
23 usually able to reach the person, the complainant, on
24 the first call?

25 A Oh, no. No.

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1 Q Would it often take you many phone calls to
2 reach a complainant?

3 A Yes. Yes, I have called many, many times
4 just to reach one person.

5 Q During the time period, Mrs. Stewart, of
6 again October 1988 to June 1989, could you give us an
7 estimate, your best good-faith estimate of how much
8 time, of your time, you spent responding to these
9 complaints, making appointments, etc.?

10 A I would say I spent at least 20 hours a week,
11 at least that much.

12 Q And some weeks it would be more, and some
13 weeks it would presumably be less?

14 A Some weeks, yes. Yes.

15 Q That is half of your time? Isn't that
16 correct?

17 A Yes. That did not count the time that I had
18 to, that I took them home with me and tried to make
19 contact at night.

20 Q The question was overall.

21 A The whole time? Okay.

22 Q How much time did you --

23 A There was weeks I put in 30 hours, at least
24 30 hours a week on it, because I would take it home
25 with me and try to contact the individual at night

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1 | because I was unable to contact them in the daytime.

2 | Q Okay. Now when you received these
3 | complaints, again referring to the complaints that we
4 | referred to here, I believe you testified that you did
5 | not take the complaints to the home when you visited.
6 | Is that correct?

7 | A No, I didn't.

8 | Q Why not, Mrs. Stewart?

9 | A I don't know. It just didn't occur to me.

10 | Q Mrs. Stewart, did you ever discuss the
11 | complaints with people, the tenor of the complaints
12 | with the people when you were in their home?

13 | A When I went in, usually their TV -- they
14 | would show me their TV set, show me, go through the
15 | channels with me. And then we would put a filter on
16 | and then go through the channels again.

17 | Q Mrs. Stewart, with reference to the
18 | complaints, did you ever have reason to believe that
19 | sometimes the complaints didn't accurately reflect the
20 | person's actual concern?

21 | A Yes.

22 | Q Can you describe how you learned of these
23 | concerns?

24 | A Let me think. Well, there was times that the
25 | problem was with Channel 6 and other channels would be

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1 | stated that was not having any problem whatsoever, and
2 | it was only Channel 6. And there was times that the
3 | Highway Patrol was coming in, causing problems, which
4 | was attributed to KOKS and which that was not KOKS.

5 | Q Now, Mrs. Stewart, when you say there were
6 | times that it was only 6 and other channels were
7 | circled, can you be more specific with the name or a
8 | person?

9 | A Okay. Let me -- this one wasn't a Channel 6.
10 | I'm trying to think. There was a lady by the name of
11 | Barbara Lewis. I called her, and she said that she did
12 | not circle anything because she didn't -- she was not
13 | having problems, because she lived in town. And she
14 | said, "I just -- these ladies had a cause, and I just
15 | was helping them out." And then there was an
16 | individual that had circled 12 and 15, I think, on one,
17 | and he had a satellite. He had no antenna at all, just
18 | had a satellite. And I asked him why did he circle 12
19 | and 15, and he said, "I didn't do that." And in this
20 | instance I don't, the man's name? I think it was a
21 | Greene, but I am not sure. It seemed like the name was
22 | Greene.

23 | Q Mrs. Stewart, I believe that the tenor of
24 | your testimony was that in almost all instances the
25 | people you spoke to on the telephone complained of

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1 Channel 6 interference. Is that correct?

2 A That is correct.

3 Q Interference of Channel 6?

4 A Yes.

5 Q Would it be fair to characterize a majority
6 of your calls that you received at the station
7 complained only of Channel 6?

8 A Yes.

9 Q When I say a majority, does that mean 50
10 percent?

11 A Yes.

12 Q Seventy percent?

13 A I would say between about 50, about 60.

14 Q About 60 percent? In your testimony you
15 mentioned, I believe, three or four different ladies'
16 names -- Mrs. Anderson, Mrs. Wynn, one or two others
17 that escape me -- who specifically mentioned to you
18 during a telephone call that they were having problems
19 with their radio?

20 A Yes.

21 Q During the calls that you received, was there
22 anyone other than these people who complained of
23 interference to their FM radio?

24 A Not that I recall.

25 Q Or their radio?

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1 A Not that I can recall.

2 Q Now you would receive these complaints, and
3 people would circle "Radio"? Is that correct?

4 A Yes.

5 Q Okay. And then you would go to the home.
6 Why don't you describe for us what you did when you
7 went to somebody's home to respond to a complaint?

8 A All right.

9 Q What would be like your normal thing that you
10 said?

11 A I would, of course, go to the door and
12 introduce myself, tell them who I was, where I was
13 from, and always had called ahead of time and made an
14 appointment. And they would let me in, and they would
15 take me to their TV. And, like I said, we would go
16 through the channels to see what their problem was. So
17 that I would always ask them, I said, "Do you want to
18 turn it on and go through your channels for me?" And
19 they would do that, and then we would put -- I would
20 install the filter, and then we would go through the
21 channels again. They would always turn the set
22 themselves so that they could distinguish exactly what
23 channel they were on and everything.

24 Q There were two points, Mrs. Stewart. One is,
25 when people would call you on the telephone and

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1 complain, other than those people you identified, there
2 was no one else that you recall that identified a
3 problem with FM radio. Is that correct?

4 A Not on the telephone, no.

5 Q When you said, "I am going to make an
6 appointment to come out and see you," or you made an
7 appointment, did you limit what you were going to do
8 there in any way?

9 A Oh, no.

10 Q Did you say, "I am going to go out there and
11 fix your TV" or "I am going to go out and look at your
12 TV"?

13 A No.

14 Q What did you tell people that you were going
15 to do?

16 A I just made a visit, said, "I'm coming out to
17 your house and we will install a filter."

18 Q Okay. Install a filter?

19 A Uh-huh.

20 Q You didn't say radios or TV?

21 A No.

22 Q Or whatever?

23 A No.

24 Q When you went to the door, you just testified
25 that you came in the door, you introduced yourself and

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1 people would take you to their TV?

2 A Yes.

3 Q Why would they take you to their TV?

4 A I assume --

5 JUDGE STIRMER: Well, I don't know how the
6 witness can answer that unless there was some dialogue.

7 MR. DUNNE: Well, I am trying to get to the
8 dialogue here.

9 JUDGE STIRMER: You are asking for the state
10 of mind of other people, Mr. Dunne, and I don't know
11 how this witness could --

12 MR. DUNNE: Thank you, Your Honor. I will
13 rephrase the question.

14 JUDGE STIRMER: All right.

15 MR. DUNNE: It was inartfully put.

16 BY MR. DUNNE:

17 Q When you came into a home, did you tell
18 people, "I am here only to fix your TV"?

19 A No.

20 Q Did you in any way limit what you were going
21 to do there when you came in and say, "I am from KOKS"?

22 A No.

23 JUDGE STIRMER: Did you ask them what
24 complaints they were having with respect to their
25 television reception and radio reception?

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1 THE WITNESS: I don't recall asking them
2 specifically either one. We just usually went to --
3 they went to the TV set.

4 JUDGE STIRMER: That was their primary
5 interest, the TV set?

6 THE WITNESS: Yes.

7 JUDGE STIRMER: All right. Excuse me, Mr.
8 Dunne.

9 MR. DUNNE: Thank you, Your Honor.

10 BY MR. DUNNE:

11 Q Just to follow up on that, then it would be
12 your testimony that people were almost always
13 interested in their TV reception except those people
14 that you mentioned in your testimony?

15 A Yes.

16 Q And that you did not limit what you were
17 there to do in any way, as to just TV?

18 A No, I didn't.

19 Q That's all that they told you about?

20 A That's right.

21 Q Mrs. Stewart, I believe you testified that
22 you never gave a copy of the complaints you received
23 from the FCC to Mr. Lampe. Is that correct?

24 A That's right.

25 Q Why is that?

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1 A I just did not think about it.

2 Q Well, was Mr. Lampe, between 1988 and 1991,
3 was he involved with you in curing the interference
4 complaints?

5 A No.

6 Q With the exception of Mrs. Hillis?

7 A Yes, except for going to Mr. and Mrs.
8 Hillis's home, yes.

9 Q Mrs. Stewart, I believe you mentioned in your
10 testimony that there are several towers close by. One
11 you identified as the Highway Patrol tower?

12 A Yes.

13 Q Can you give us an idea where the Highway
14 Patrol tower is with respect to the KOKS tower?

15 A It is just northwest, approximately what? A
16 fourth of a mile or something of that nature?

17 Q You can see the Highway Patrol tower from the
18 KOKS tower?

19 A Yes.

20 Q It is quite close?

21 A Yes.

22 Q Is the Highway Patrol tower within the
23 blanketing contour?

24 A Oh, yes.

25 Q Also, I think there was some testimony that

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1 the Channel 15 tower was close by?

2 A Yes, it is.

3 Q How close is the Channel 15 tower to the KOKS
4 tower?

5 A Within a mile, maybe less.

6 Q To the best of your knowledge, is the
7 Channel 15 tower within the KOKS blanketing contour?

8 A Yes.

9 Q Do you know if there are any FM radio
10 stations located in the Channel 15 tower?

11 A No, I do not.

12 Q Mrs. Stewart, you testified that it was your
13 understanding in 1988 when you began to cure the
14 interference complaints or attempted to cure the
15 interference complaints, that Channel 6 was not a local
16 channel and you had no obligation of interference with
17 Channel 6? Is that correct?

18 A Yes.

19 Q I believe you testified that you received
20 that information from whom?

21 A Mrs. Karen Raines, the FCC Office in Kansas
22 City, Missouri.

23 Q Mrs. Raines told you that Channel 6 was --

24 A Mrs. Raines told me -- I told to Mrs. Raines.
25 Let me backtrack that. I received the information from

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1 | you and also Mrs. Raines. I talked to Mrs. Raines and
2 | told her that Channel 6 was not a guaranteed channel,
3 | and she did not say, or did not question me on that at
4 | all.

5 | Q Okay. She didn't say "No"?

6 | A No, she did not say "No."

7 | Q And she didn't say "Yes"?

8 | A No.

9 | Q Was there any other reason that you had to
10 | believe that Channel 6 was not a channel that you
11 | needed to cure interference? You just testified that
12 | you heard it from me. You just testified that you said
13 | that to Mrs. Raines and she didn't disagree with you.
14 | Was there any other reason that you believe that
15 | Channel 6 was not a channel that you had to cure?

16 | A The information that Mrs. Raines sent us said
17 | that, it talked about the Grade B contour. And that
18 | was, we knew that Channel 6 was out of the Grade B
19 | contour.

20 | Q All right. Did there come a time that you --
21 | well, let's refer you to something.

22 | A Okay.

23 | Q Mrs. Stewart, may I refer you to Attachment B
24 | in your testimony?

25 | A All right, okay.

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1 Q Okay. Do you remember when you received this
2 letter or that you first saw this letter?

3 A Yes, that was in December of '89.

4 Q So you received it very soon after the --

5 A Yes.

6 Q Until you received that letter, were you
7 under the impression, or was it your belief, that
8 Channel 6 was not an authorized signal -- excuse me,
9 that you were not responsible for curing interference
10 with Channel 6?

11 A That's right.

12 Q Mrs. Stewart, I refer you to paragraph, the
13 sixth paragraph down which begins "WSPD" and ends with
14 "limits."

15 A Yes.

16 Q Do you remember reading that in December of
17 1989?

18 A Yes, I do.

19 Q What did that paragraph mean to you then?

20 A It meant that Channel 6, that this was out --
21 that Channel 6 was a great big contour and therefore
22 KOKS had no legal obligations towards Channel 6.

23 Q And you inferred that because Channel 6 said
24 that they had no legal means to deal with it. Is that
25 correct?

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1 A Yes.

2 Q And I would like to refer you, if I may, to
3 Mass Media Bureau Exhibit No. 13, if I may. I'm sorry,
4 Exhibit 12. And I would like to refer you to page 11.
5 Do you have reference to that, Mrs. Stewart?

6 A Here it is.

7 Q Okay.

8 JUDGE STIRMER: What exhibit?

9 MR. DUNNE: This would be Mass Media --I'm
10 sorry, Your Honor -- Mass Media Exhibit No. 12, page
11 11.

12 BY MR. DUNNE:

13 Q Do you have reference to that, Mrs. Stewart?

14 A Yes.

15 Q Okay. That page is taken from KOKS's
16 construction permit application. Is that correct?

17 A Yes.

18 Q Do you recall when you first saw that
19 particular map?

20 A it was sometime in the month of, probably
21 along the first of November after we -- or maybe the
22 last of October when we began to look to see. We had
23 got all of the complaints, and we began to look to see.

24 Q Okay. When you say the last of October or
25 the first of November, you are talking about the last

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1 of October or the first of November of 1988? Is that
2 correct?

3 A Of '88, yes. I'm sorry.

4 Q Okay. And at that time, you were -- describe
5 how you viewed this. When did you first look at this
6 map, and under what circumstances?

7 A Because of the large number of complaints and
8 because a lot of them was Channel 6, and we got the map
9 out and was looking, and we surmised -- there was
10 different ones of us there at the station that was
11 looking at it. I don't know exactly who the group was,
12 probably myself and Mr. Stewart and some more maybe.
13 And it said that the Grade B contour stopped her at
14 Fisk, at the 51 Highway is what we took it to be, which
15 is several miles east of here.

16 Q Okay. And do you remember under what
17 circumstances you viewed that map, Mrs. Stewart?

18 A There was -- as I said, there was a lot of
19 large complaints concerning Channel 6, and we were
20 looking that up to see if --

21 Q Okay. You were looking it up because it was
22 your understanding that you weren't obligated to do
23 cure interference outside the Grade B contour?

24 A Yes.

25 Q Which is the interference contour in TV? Is

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1 | that correct?

2 | A Yes.

3 | Q Now there is a little kind of dotted line
4 | slice there?

5 | A Yes.

6 | Q It is noted here on the application,
7 | "Interference with WPSB TV." Do you see that?

8 | A Yes, I do.

9 | Q When you reviewed the application in
10 | November, late October or early November 1988, what did
11 | you understand that particular wedge of territory to
12 | mean, or if at all?

13 | A I did not understand it all.

14 | Q Okay. So you didn't know what that
15 | particular little slice of territory meant, did you?

16 | A No.

17 | Q But you did understand that you weren't
18 | responsible for interference outside that Grade B
19 | contour?

20 | A Yes.

21 | Q Is that correct?

22 | A Yes.

23 | JUDGE STIRMER: Let me interrupt you a minute
24 | here. Mrs. Stewart, you received the Commission's
25 | designation letter of this case, did you not? That was

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1 released on June 12, 1992?

2 THE WITNESS: Yes.

3 JUDGE STIRMER: Let me show you what I am
4 referring to. Did you receive a copy of that from your
5 counsel or from another source?

6 THE WITNESS: Yes.

7 JUDGE STIRMER: Now in that designation
8 letter, footnote 4 states that, "We note that the FM
9 blanketing rule does not limit a licensee's
10 responsibility to complainants residing within the
11 Grade B contour of television stations." Did you read
12 that footnote when you read the order of designation?

13 THE WITNESS: I read the order. I read that.
14 I didn't understand what that meant.

15 JUDGE STIRMER: Did you ask your lawyer to
16 explain that to you?

17 THE WITNESS: I asked him, yes.

18 JUDGE STIRMER: And did he give you an
19 explanation?

20 THE WITNESS: Yes.

21 JUDGE STIRMER: All right. Now did you
22 thereafter undertake any efforts to try to cure the
23 blanketing with respect to Channel 6 within the
24 blanketing contour?

25 THE WITNESS: This was the designated hearing

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1 order, isn't it, Your Honor?

2 JUDGE STIRMER: Pardon?

3 THE WITNESS: Isn't this the designated
4 hearing order?

5 JUDGE STIRMER: Yes.

6 THE WITNESS: No, I -- not then, that
7 designated hearing order. I thought we were supposed
8 to wait until this process was through.

9 JUDGE STIRMER: Well, what -- if in fact your
10 license is renewed, what steps do you propose to
11 undertake to correct the blanketing problem with
12 respect to Channel 6 within the blanketing contour?

13 THE WITNESS: The 89. filter will do it.
14 Now, it will clear.

15 JUDGE STIRMER: Well, how do you -- have you
16 used that previously?

17 THE WITNESS: That is the one that we went
18 out and installed in these 105 homes.

19 JUDGE STIRMER: As I understand it, you said
20 that Channel 6 wasn't corrected.

21 THE WITNESS: Not in this 105.

22 JUDGE STIRMER: When you installed that
23 filter.

24 THE WITNESS: Not in this 105. Some of them,
25 I said it came in with snow. Channel 6 comes in

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1 sometimes on a weak signal. Your Honor, we have a
2 filter that we -- we bought one, and we placed it on
3 our TV. We put up a whole antenna system after this
4 all started, because as you heard me this morning, we
5 didn't have nothing but satellite and no antenna system
6 was there. So we installed an antenna system so that
7 we could see what the reception was, you know, in our
8 own home, that we would have a better idea of what
9 other people were experiencing. And so when Mr. Lampe
10 found out about this 89.5 cut filter, we had one, had
11 him to order so that we could try it on our TV at home
12 to see what it would do. Now we watch channels -- and,
13 of course, we put a rotary on ours so that we could
14 turn our antenna to pick up some of the channels. We
15 wanted to see what difference it would make with the
16 rotor or without a rotor. We can receive Channel 6.
17 Now sometimes we do have some snow on Channel 6. It
18 will vary at times. We can receive Channel 8, but we
19 have to turn -- the only way we can receive Channel 8
20 with a watchable picture is to turn it in the direction
21 of Channel 8. And we can receive Channel 12 real good.
22 And Channel 15, we have never received without having
23 ghosting. We never have received Channel 15 without
24 having ghosting, even before KOKS came on the air.
25 But, and we installed this whole system so that we

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1 | could have a feel of the knowledge to know what TV
2 | reception was on an antenna.

3 | JUDGE STIRMER: Did you use the same type
4 | filter on any of the homes that you visited?

5 | THE WITNESS: Yes, we did.

6 | JUDGE STIRMER: What was the experience with
7 | respect to Channel 6 when you used this filter?

8 | THE WITNESS: Most of them, it -- all of
9 | them, it took KOKS audio out of it.

10 | JUDGE STIRMER: Well, how about the quality
11 | of the picture?

12 | THE WITNESS: Now you are going to get some
13 | snow on 6 at times because of the distance and the
14 | signal is weak by the time it comes in here.

15 | JUDGE STIRMER: Well, how about the people
16 | that previously received a good-quality picture on
17 | Channel 6 before KOKS went on the air?

18 | THE WITNESS: I had no -- I had no way of
19 | knowing what type of picture they received before KOKS
20 | came on the air, because I was not in their homes.

21 | JUDGE STIRMER: Did you ask them?

22 | THE WITNESS: The different times, different
23 | ones?

24 | JUDGE STIRMER: When you visited the home,
25 | did you ask them what kind of picture they got before

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1 | you went on the air?

2 | THE WITNESS: No. No, I did not, Your Honor.

3 | JUDGE STIRMER: Now you didn't conduct any
4 | tests, as I understand it, whereby you took KOKS off
5 | the air momentarily just to see what impact that would
6 | have on the reception?

7 | THE WITNESS: No. We had no instrument to
8 | show the people that we were -- that KOKS was off of
9 | the air.

10 | JUDGE STIRMER: But you didn't do that in any
11 | event?

12 | THE WITNESS: No. No, we did not.

13 | JUDGE STIRMER: All right.

14 | MR. DUNNE: Your Honor, just to follow up on
15 | that.

16 | BY MR. DUNNE:

17 | Q Mrs. Stewart, you lived in that home prior
18 | to, obviously, KOKS coming on the air. Right?

19 | A Yes.

20 | Q Prior to KOKS coming on the air, did you
21 | watch Channel 6?

22 | A No, we had no antenna system.

23 | Q You had no antenna system, so you didn't know
24 | whether you received Channel 6?

25 | A No, no.

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1 Q Was it your understanding that Channel 6 was,
2 you got a good signal on Channel 6 in your neighborhood
3 prior to the time that KOKS came on the air?

4 A At one time Mrs. Smith told me that TV
5 reception in that area was bad at its best. We also
6 had a man by the name of Randy Bashom. He worked at
7 the Highway Patrol. He told us, and this was after
8 KOKS came on the air. We was talking to him because we
9 talked back and forth to Randy Bashom several different
10 times at the Highway Patrol. And Randy said, "I live
11 on a hill, a tall hill. I've got a tall tower. I have
12 got a high antenna. I've got a rotary. I've got a
13 booster and amplifier." And he said, "I can be sitting
14 and watching Channel 6, and it will just fade out.
15 Sometimes it comes back; sometimes it doesn't." But he
16 said, "We have got used to that in this area, that not
17 all of the time you are going to get Channel 6 with a
18 good-quality picture."

19 Q And the reason, to your understanding, that
20 you didn't get a good-quality picture is because it is
21 so far away?

22 A Weak signal, that was what Mr. Bashom said.

23 Q Okay. Mrs. Stewart, I am going to show you a
24 document. Unfortunately, I don't have copies for
25 everyone.

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1 MR. DUNNE: Your Honor, for the moment I
2 would like this marked and identified as KOKS Exhibit
3 No. 11 for identification, and I apologize that I don't
4 have copies for the record.

5 JUDGE STIRMER: Would you identify it,
6 please?

7 MR. DUNNE: I would rather have the witness
8 identify it, Your Honor.

9 BY MR. DUNNE:

10 Q Mrs. Stewart, I am handing you what has been
11 marked and identified KOKS Exhibit No. 11. Can you
12 describe for the record what that is?

13 A It is a, seemingly a kind of a letter. Do I
14 read it or --

15 Q No, just describe what it is and when you
16 first saw it.

17 A Okay. When I first saw it --

18 Q Is there a date on it?

19 A I see no date on it.

20 JUDGE STIRMER: There is a signature on it?

21 THE WITNESS: Yes.

22 JUDGE STIRMER: Well, tell me whose signature
23 it is.

24 THE WITNESS: Doris Smith.

25 BY MR. DUNNE:

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